

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cloey Romans	Team: Squad #07	CCRB Case #: 202205715	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/26/2022 8:30 PM	Location of Incident: Utica Avenue and Midwood Street	18 Mo. SOL 2/26/2024	Precinct: 71		
Date/Time CV Reported Tue, 08/30/2022 1:29 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/30/2022 1:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT SA Timothy Brovakos	00000	943025	071 PCT
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped § 87(2)(b)	
B.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos frisked § 87(2)(b)	
C.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos failed to provide § 87(2)(b) with a business card.	
D. An officer	Abuse: An officer stopped § 87(2)(b)	
E. An officer	Abuse: An officer failed to provide § 87(2)(b) with a business card.	
§ 87(4-b) § 87(2)(g)		
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Case Summary

On August 30, 2022, § 87(2)(b) filed this complaint with the CCRB via telephone. § 87(2)(b) filed this complaint on behalf of her son, § 87(2)(b) § 87(2)(b) was § 87(2)(b) old at the time of the incident.

At approximately 8:30 p.m. on August 26, 2022, § 87(2)(b) was walking to a grocery store when an unmarked police vehicle pulled directly in front of him, stopping him at the intersection of Utica Avenue and Midwood Street, Brooklyn. Lt. Timothy Brovakos of the 71st Precinct and an unknown officer exited the vehicle and approached § 87(2)(b) (**Allegation A: Abuse of Authority** – § 87(2)(g)). Lt. Brovakos began frisking § 87(2)(b) touching his torso, legs, and ankles (**Allegation B: Abuse of Authority** – § 87(2)(g)). Nothing was recovered from § 87(2)(b)'s person. Lt. Brovakos and the unknown officer then reentered their police vehicle and left the incident location, without providing § 87(2)(b) with their business cards (**Allegation C: Abuse of Authority** – § 87(2)(g)). No arrests or summons were issued. The investigation was unable to determine Lt. Brovakos' partner, who assisted in stopping § 87(2)(b) and who did not provide a business card at the conclusion of the incident (**Allegations D and E: Abuse of Authority** – § 87(2)(g)). Approximately 30 seconds after being stopped by Lt. Brovakos, a different unmarked vehicle stopped alongside § 87(2)(b) an unknown officer opened his driver's side door, looked at § 87(2)(b) then reentered his vehicle and left the location without interacting with § 87(2)(b).

§ 87(4-b) § 87(2)(g)

No Body-worn Camera (BWC) videos were yielded for this incident (Board Review 03). No surveillance or additional video evidence was yielded.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Timothy Brovakos stopped § 87(2)(b)
Allegation (B) Abuse of Authority: Lieutenant Timothy Brovakos frisked § 87(2)(b)
Allegation (C) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide § 87(2)(b) with a business card.

An AVL log obtained from IAB places two unmarked vehicles at the location at the time of the incident, RMP #0610 and #0560. RMP #0610 was the first to arrive, with RMP #0560 arriving within the same minute. Based on the AVL time stamps, the investigation finds that the occupants of RMP #0610 were the two officers who originally stopped § 87(2)(b) and RMP #0560 belonged to the third unknown officer who § 87(2)(b) had no interaction with (Board Review 04).

A Daily Vehicle Assignment Sheet for the 71st Precinct marks RMP #0610 as "Stationhouse" and does not notate the vehicle as assigned to any specific officer (Board Review 16). In eight prior CCRB investigations, RMP #0610 has been identified as belonging to the 71st Precinct Neighborhood Safety Team with Lt. Timothy Brovakos being the supervisor of the Team in all cases and the subject officer in the majority of said cases. In addition, a similar fact pattern occurred in each case as that which has been alleged by § 87(2)(b) in this incident (Board Review 05).

The 71st Precinct Roll Call for the incident date and time lists three officers assigned to the Neighborhood Safety Team, four Public Safety Officers, and one Special Operations Lieutenant, Lt.

Timothy Brovakos. None of the Roll Call assignments list a specific vehicle assigned to said officers (Board Review 06). In memo books obtained from the three Neighborhood Safety Officers and four Public Safety Officers, each memo book notes either a different RMP than #0610 or no RMP number listed at all. Lt. Brovakos has no memo book entries for the incident date (Board Review 17).

During his CCRB testimony on September 13, 2022, § 87(2)(b) described the officer who stopped and frisked him as, a “white male, 5’09”, “buff” build, in his late 30s” (Board Review 01). Lt. Brovakos MOS photo and pedigree sheet note that at the time of the incident, he was a 5’10” white male, weighing approximately 200 lbs., and § 87(2)(b) old (Board Review 18 and 19).

On March 2, 2023, a photo array was conducted with § 87(2)(b) § 87(2)(b) was shown a single MOS photo of each officer who fit the pedigree provided during his original statement and who was assigned to the 71st Precinct Neighborhood Safety Team, Public Safety Team, or as the Special Operation Lieutenant. These parameters resulted in seven potential subject officers. During the photo array of the seven potential officers, § 87(2)(b) identified Lt. Brovakos as the officer who stopped and frisked him on August 26, 2022. § 87(2)(b)’s identification was unequivocal, and he stated he made the identification with 100% certainty, relaying the same facts provided during his original CCRB testimony and identifying Lt. Brovakos as the subject of the allegations. § 87(2)(b) was unable, with the necessary level of certainty needed for the investigation, to identify the second subject officer who was working with Lt. Brovakos, nor was he able to identify the third officer who briefly stopped their vehicle (Board Review 07 and 08).

§ 87(2)(b) left a Caribbean restaurant on Utica Avenue to buy a soda at a nearby grocery store, while he waited for his take-out food to be prepared at the restaurant. § 87(2)(b) was with his father at the restaurant and had been with his father for the totality of the evening, but § 87(2)(b) left the restaurant alone to get a soda while his father remained behind to wait for the food. On foot, § 87(2)(b) reached the grocery store at Utica Avenue and Midwood Street, saw the store was closed, and began to walk back toward the restaurant. An unmarked, dark-colored sedan with heavily tinted windows stopped directly in front of § 87(2)(b) preventing him from walking any further. The vehicle did not have police lights or sirens activated. Lt. Brovakos and an unknown officer exited the vehicle and approached § 87(2)(b). The unknown officer held a flashlight up and pointed it at § 87(2)(b)’s eyes, temporarily obstructing § 87(2)(b)’s visibility. Lt. Brovakos asked § 87(2)(b) “Where are you coming from? Where are you going?” and § 87(2)(b) told Lt. Brovakos that he was “just going to get a soda.” Lt. Brovakos did not tell § 87(2)(b) why he was being stopped. § 87(2)(b) was wearing Nike sweatpants and in his front right pants pocket, he had an iPhone 13 Pro Max and a four-inch wallet. In his front left pants pockets, § 87(2)(b) had Air Pods. § 87(2)(b) had nothing else on his person. Lt. Brovakos began frisking § 87(2)(b) by touching his torso, legs, and ankles from the exterior of his clothing. Lt. Brovakos did not enter any of § 87(2)(b)’s pockets and did not search him. Nothing was recovered from § 87(2)(b)’s person. Lt. Brovakos and the unknown officer then immediately reentered their police vehicle and left the location, without any further interaction with § 87(2)(b). Neither Lt. Brovakos nor the unknown officer identified themselves to § 87(2)(b) at any time, did not tell him why he was stopped, did not provide him with their business cards, and issued no summonses. Approximately 30 seconds later, a different unmarked vehicle pulled alongside § 87(2)(b) a third officer opened the driver’s side door of his vehicle and partially exited, looked at § 87(2)(b) then immediately reentered the vehicle and left the location. § 87(2)(b) had no interaction with this third officer. § 87(2)(b) then proceeded to return to the restaurant and informed his father what had happened, at which point they filed a CCRB complaint (Board Review 01).

Lt. Brovakos had no recollection of the incident and denied having any recollection of anything he did on August 26, 2022. Lt. Brovakos stated that prior to August 2022, he had been assigned to an administrative assignment within the 71st Precinct and was not going out into the field, but that this ended in either mid or late August, at which point he resumed his duties as Special Operations Lieutenant supervising the Neighborhood Safety Team. Lt. Brovakos denied having any record of any of his movements or duties on the incident date. Lt. Brovakos stated that prior to going on an administrative assignment, RMP #0610 was consistently his vehicle, and he was nearly always the officer who used it. Lt. Brovakos stated that after returning to the field after his administrative assignment, he still frequently used RMP #0610 but that it was also now being used by other officers as well. Lt. Brovakos did not recall if it was, he or another officer who operated RMP #0610 on the incident date. Lt. Brovakos denied recalling if he stopped or frisked § 87(2)(b) and denied recalling if he failed to provide a business card on the incident date. Lt. Brovakos did not recall if he worked with a partner on August 26, 2022 (Board Review 02).

As notated in the Officer History portion at the conclusion of this report, Lt. Brovakos has been a subject in 40 CCRB complaints and 219 allegations, of which 29 were substantiated. Specifically, it was substantiated 11 times that Lt. Brovakos engaged in Abuse: Failure to provide RTKA card(s), Lt. Brovakos also has two substantiated allegations of Abuse: Stop, and Lt. Brovakos has six substantiated allegations of Abuse: Frisk. Lt. Brovakos is alleged to have repeated this same fact pattern of abuse in this case, which the undersigned recommends for consideration by the Board.

NYPD Patrol Guide 212-11 finds that when a persons' freedom of movement is restricted and they are temporarily detained, is it categorized as a Level III encounter, or a Terry Stop. Such enforcement must be rooted in reasonable suspicion that the person has committed, is committing or is about to commit a felony or Penal Law misdemeanor, at which point the member of service may stop and detain for the purpose of conducting a criminal investigation. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct. The officer must be able to articulate specific facts establishing justification for the stop; hunches or gut feelings are not sufficient. A member of service may frisk a person during a Level III stop if at any point during the encounter, the member of service has a reasonable suspicion that the person is armed and dangerous (Board Review 09). Patrol Guide 212-11 derives its legal precedent from People v. De Bour, 40 N.Y.2d 210 (Board Review 10).

NYC Administrative Code 14-174 finds that an officer shall offer a business card to persons at the conclusion of any such activity that does not result in an arrest or summons, including pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will (Board Review 11). NYPD Patrol Guide 212-11 finds that Level II and Level III encounters that do not result in a summons or arrest require officers to offer a Right to Know Business Card (Board Review 09).

Resource Recap Logs note no incidents in the vicinity of Utica Avenue and Midwood Street which would place officers at the location for police enforcement, emergency, or an exigent circumstance (Board Review 20 and 21). Warrant audits for § 87(2)(b) are negative on the incident date (Board Review 22) and there are no arrests within the 67th or 71st Precincts on the date which correlate to a firearm or weapon, in which the perpetrator's pedigree is similar to § 87(2)(b)s (Board Review 23 and 24). § 87(2)(g)

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Allegation (A) Abuse of Authority: An officer stopped § 87(2)(b)
Allegation (E) Abuse of Authority: An officer failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) described Lt. Brovakos' partner as, an "Asian male, 5'07", medium build, in his mid-30s, wearing an NYPD uniform" (Board Review 01).

Lt. Brovakos denied having any recollection of who he worked with on the incident date. During his CCRB interview, Lt. Brovakos was read the pedigree description provided by § 87(2)(b) of the second subject officer involved in the incident. Lt. Brovakos denied that the pedigree described an officer he could recall working with (Board Review 02).

No memo books from any officers assigned to the Neighborhood Safety or Public Safety teams for the 71st Precinct note any incident related to § 87(2)(b)'s stop and no memo book notates Lt. Brovakos as an officer's partner, nor do any have the assignment of Lieutenant's operator, and no memo book notates RMP #0610 or #0560 as their assigned vehicle (Board Review 17).

Roll Call lists three non-white male officers assigned to either the Neighborhood Safety or Public Safety teams on the incident date: PO Muhammad Umar (self-identified Asian male, 5'10", 196 lbs., and § 87(2)(b) old at the time incident), Sgt. Khan (self-identified Asian male, 5'06", 150 lbs., and § 87(2)(b) old at the time incident), and PO De La Rosa (self-identified Hispanic male, 6'00", 195 lbs., and § 87(2)(b) old at the time incident) (Board Reviews 06, 25, 26 and 27).

On March 2, 2023, § 87(2)(b) was shown a photo array which included photos of the PO Umar, Sgt. Khan, and PO De La Rosa. § 87(2)(b) was unable to identify with 100% certainty any of these officers as Lt. Brovakos' partner on the incident date (Board Review 07 and 08).

No police documentation was yielded that places an officer other than Lt. Brovakos at the location.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
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- Lt. Brovakos has been a member of service for 16 years and has been a subject in 40 CCRB complaints and 219 allegations, of which 29 were substantiated:
 - #201500206 involved a substantiated allegation of Abuse: Vehicle Search against Lt. Brovakos. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - #201905132 involved a substantiated allegation of Discourtesy: Word against Lt. Brovakos. The Board recommended Instructions and the NYPD imposed Instructions.
 - #201910398 involved a substantiated allegation of Abuse: Failure to provide RTKA card and a substantiated allegation of Discourtesy: Word against Lt. Brovakos. The Board recommended Command Discipline A and the NYPD imposed No Penalty.
 - #202003306 involved a substantiated allegation of Abuse: Seizure of property against Lt. Brovakos. The Board recommended Command Discipline A and the NYPD imposed No Penalty.
 - #202007423 involved two substantiated allegations of Abuse: Failure to provide RTKA card(s) against Lt. Brovakos. The Board recommended Command Discipline B and the NYPD imposed No Penalty.

- #202007569 involved two substantiated allegations of Abuse: Failure to provide RTKA card(s) against Lt. Brovakos. The Board recommended Command Discipline B and the NYPD imposed No Penalty.
 - #202100053 involved a substantiated allegation of Abuse: Failure to provide RTKA card, a substantiated allegation of Abuse: Frisk, a substantiated allegation of Abuse: Stop, and a substantiated allegation of Abuse: Threat of arrest against Lt. Brovakos. The Board recommended Charges and the case is awaiting an APU trial.
 - #202100965 involved a substantiated allegation of Abuse: Failure to provide RTKA card, a substantiated allegation of Abuse: Seizure of property, and two substantiated allegations of Discourtesy: Word(s) against Lt. Brovakos. The Board recommended Charges and the case is awaiting an APU trial.
 - #202103599 involved a substantiated allegation of Abuse: Failure to provide RTKA card and a substantiated allegation of Abuse: Frisk against Lt. Brovakos. The Board recommended Charges and the case is awaiting an APU trial.
 - #202103919 involved a substantiated allegation of Abuse: Failure to provide RTKA card, a substantiated allegation of Abuse: Frisk, and a substantiated allegation of Abuse: Stop against Lt. Brovakos. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
 - #202104113 involved two substantiated allegations of Abuse: Failure to provide RTKA card(s) and two substantiated allegations of Abuse: Frisk(s) against Lt. Brovakos. The Board recommended Command Discipline B and the NYPD imposed No Penalty.
 - #202104788 involved a substantiated allegation of Discourtesy: Word against Lt. Brovakos. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
 - #202106291 involved a substantiated allegation of Abuse: Unlawful Arrest against Lt. Brovakos. The Board recommended Charges and the case was closed prior to an APU trial due to the expiration of the SOL.
 - #202107559 involved a substantiated allegation of Abuse: Frisk against Lt. Brovakos. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
 - Lt. Brovakos has been a member of service for 16 years and has been a subject in 40 CCRB complaints and 219 allegations, of which 29 were substantiated. § 87(2)(g)
- § 87(2)(g) it was substantiated 11 times that Lt. Brovakos engaged in Abuse: Failure to provide RTKA card(s); Lt. Brovakos is also alleged to have committed the same abuse in this case and said allegation is being recommended for substantiation. Lt. Brovakos also has two substantiated allegations of Abuse: Stop; Lt. Brovakos is also alleged to have committed the same abuse in this case and said allegation is being recommended for substantiation. Lt. Brovakos also has six substantiated allegations of Abuse: Frisk; Lt. Brovakos is also alleged to have committed the same abuse in this case and said allegation is being recommended for substantiation. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- On March 13, 2023, this case was sent to mediation and on April 4, 2023, the case was returned to investigation as the mediation was unsuccessful.
- As of April 17, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 15).
- Due to § 87(2)(b)'s status as a minor, an Office of Court Administration (OCA) search was not conducted.

Squad: 7

Investigator: Cloey Romans Inv. Cloey Romans 4/25/2023
Signature Print Title & Name Date

Squad Leader: _____ Manager Vanessa Rosen April 25, 2023
 Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____